

Section 101
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PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/881,457	
	Filing Date	June 14, 2001	
	First Named Inventor	Cochran	
	Group Art Unit	1653	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission	58	Attorney Docket Number	SY01105K1QKQK

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <div>See Remarks Section for Additional Enclosures</div>
<input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)		
<input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks (1) Copy of notice of missing parts (2 pages); (2) Declarations of (a) Cochran and Cook (4 pages) (b) Wild (4 pages); (3) Sequence listing (12 pages); (4) Sequence statement; (5) Computer diskette; (6) Preliminary amendment (23 pages); (7) IDS PTO 1449 form (2 pages); (8) Copies of 31 references; (9) Certificate of mailing; and (10) Return postcard	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Pamela G. Salkeld, Reg. No. 38,607 SCHERING-PLOUGH CORPORATION PATENT DEPARTMENT, K-6-1-1990
Signature	<i>Pamela G. Salkeld</i>
Date	November 13, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
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Signature	<input type="text"/>	Date	<input type="text"/>

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PTO/SB/17 (10-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 530.00)

Complete if Known

Application Number	09/881,457
Filing Date	June 14, 2001
First Named Inventor	Cochran
Examiner Name	To Be Assigned
Group Art Unit	1653
Attorney Docket No.	SY01105K1QKQK

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

19-0365

Deposit
Account
Name

Schering-Plough Corporation

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	400.00
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 530.00)

SUBMITTED BY

Name (Print/Type)

Pamela G. Salkeld

Registration No.
(Attorney/Agent)

38,607

Complete (if applicable)

Telephone

(908) 298-2135

Signature

Pamela G. Salkeld

Date

November 13, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT CASE: SY01105K1QKQK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----x
In re Application of: **Cochran et al.**

: Examiner: To Be Assigned

:
For: **NOVEL AVIAN HERPES VIRUS AND
USES THEREOF**

: Group Art Unit: 1653

:
Serial No.: 09/881,457

: Date: November 13, 2001

:
Filing Date: June 14, 2001
-----x

Attention: BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS

This is in response to a Notice to File Missing Parts which included a request to comply with requirements for 37 C.F.R. § 1.822 and/or 1.823 mailed June 27, 2001.

In response to the Notice, Applicants enclose the following herewith:

- 1) a Copy of the Notice;
- 2) a Declaration signed by Cochran and Cook;
- 3) a Declaration signed by Wild;
- 4) a Substitute paper copy of the "Sequence Listing";
- 5) a Substitute computer readable form copy of the "Sequence Listing";
- 6) a Declaration stating that the content of the paper and computer readable copies are the same and contain no new matter;
- 7) a Petition for a two-month extension of time under 37 C.F.R. § 1.136 (a) and;
- 8) a Fee Transmittal Form for the Surcharge for filing the Declarations and for the Extension of Time

PLEASE AMEND THE SUBJECT APPLICATION AS FOLLOWS:

IN THE SPECIFICATION

Please delete pages 1-12 of the "Sequence Listing" and insert the enclosed substitute "Sequence Listing" pages 1-12.


REMARKS

The specification has been amended to comply with 37 C.F.R. § 1.821-1.825. A substitute paper copy of the "Sequence Listing" which is believed to comply with 37 C.F.R. § 1.821-1.825 is submitted to replace the current "Sequence Listing". In addition, a computer readable form of the substitute "Sequence Listing" is submitted along with a Statement declaring that the information recorded on the diskette is identical to the paper copy. No new matter has been added by this amendment. It is believed that the above amendment and submissions fulfill all requirements by the Initial Patent Examination Division.

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0365.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530
Date: November 13, 2001



Pamela G. Salkeld
Reg. No. 38,607
Sr. Patent Counsel
(908) 298-2135



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Mailing under 37 CFR 1.8

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Washington, D.C. 20231

on November 13, 2001

Date

Pamela G. Salkeld

Signature

Pamela G. Salkeld

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Documents enclosed:

Transmittal form(PTO/SB/21); Fee transmittal form (PTO/SB/17); Petition for an extension of time (PTO/SB/22); Copy of notice of missing parts (2 pages); Response to missing parts cover letter (2 pages); Declarations of (a) Cochran and Cook (4 pages) (b) Wild (4 pages); Sequence listing (12 pages); Sequence statement; Computer diskette; Preliminary amendment (23 pages) IDS cover letter; IDS PTO 1449 form (2 pages); Copies of 31 references; and Return postcard

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/881,457	06/14/2001	Mark D. Cochran	SY01105K1QKQK

CONFIRMATION NO. 7533

24265
SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530

FORMALITIES LETTER



OC000000006352769

Date Mailed: 07/27/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/07/2001 TBESHAH1 00000107 190365 09881457 FILED UNDER 37 CFR 1.53(b)

01 FC:105 130.00 CH

Filing Date Granted

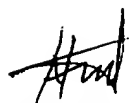
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE